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Environment Committee

March 9, 2009

Testimony of Martin Mador

In Support of

HB6429 An Act Concerning Energy Conservation and The Right to Dry

In Opposition to

SB 794 An Act Concerning the Regional Greenhouse Gas Initiative and  
Electric Ratepayer Relief

Moving Connecticut from  
Conspicuous Consumption to Conspicuous Conservation

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club, and am here today representing our 10,000 Connecticut members concerned about the health of our environment, our economic prosperity, and our quality of life. I possess a Master's of Environmental Management degree from Yale.

I am the proponent and the original author of the Right to Dry Legislation, so let me explain why the significance of the bill transcends its simplicity.

I'll start with a few questions.

If you could do something simple which would help make a better world for your children, would you?

What if it saved you some money?

What if it made the world today a little cleaner and a little safer?

What if it helped to assure the economic security of America?

Now, how would you feel if you were arbitrarily prohibited from doing so?

We are talking about clotheslines, and that is the situation for 1 of every 6 Americans- those who live in condo and homeowner associations, where aesthetics are the reigning priority.

The claim has been made that allowing clotheslines would tread on the property rights of those who prefer not to see them. This turns reason on its head. It is the rights of those who wish to save energy, to save money, and ultimately, to save our livable planet, which are endangered by those who selfishly wish to put their aesthetic issues first.

The bill as drafted contains softening language which would permit an association to use their discretion to decide where to permit the clotheslines. It allows them to incorporate aesthetic concerns, as long as some opportunity is provided.

This bill is not a mandate, it is enabling legislation. It doesn't require anyone to use clotheslines, but it grants them the freedom to do so, *if they so choose*. It is a bill even a

libertarian could love.

Using a clothesline saves energy. It saves money. It reduces fossil fuel use, and the use of imported oil. It reduces greenhouse gas emissions, and so reduces global warming. It makes your clothes smell fresh. It reduces wear and tear on your clothes, and disinfects them with sunlight. If that were not enough, it helps you connect with your ancestors.

Most condo and homeowner associations prohibit air drying. In many cases, this restriction was not actually voted on by the tenants, but inserted in the founding Declarations by the builder. You will see these on file in the land records of the town. Changing them may require a process with a vote of far more than a simple majority of the tenants.

The Community Associations Institute, which represents many condo associations, has expressed their concerns about the bill. I've spoken with them, and invited them to propose language which would ameliorate their concerns. They said they don't have any to offer.

A question was raised about this bill violating the contracts clause of the Constitution. Does it impermissibly break existing contracts? A legal brief prepared at my request by the Yale Law School Environmental Protection Clinic demonstrates that it does not. The proposed bill fully meets the three tests required by *Energy Reserves Group v. Kansas Power & Light*, 459 U.S. 400 (1983), the controlling Supreme Court decision. The bill is not a substantial impairment of the contract (it just changes a term of the by-laws), there is a legitimate public purpose (protection of natural resources), and the solution is appropriate and confined to the problem.

Fundamentally, we have an energy crisis in America. We risk permanently altering the environment of our planet. We consume far more energy per capita than any other country. Almost all now acknowledge that conservation and efficiency are the preferred routes to a solution. In many ways, we do encourage people to conserve energy. In the case of this enabling legislation, we are looking to give people the freedom to conserve, if they so wish.

Make no mistake, this is an important bill, in part because it launches discussions we need to have, in part because it allows individuals to take action to support values we have come to respect and need.

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SB 794 would authorize the Commissioner of DEP to redirect income from the purchase of pollution permits under RGGI by the electric generation plants from efficiency and clean energy generation to ratepayer rebates. This proposal would strip one of the most valuable and productive programs in the state in order to return a few cents a month to ratepayers.

Sierra unconditionally opposes this bill for these reasons:

- efficiency programs return \$4 for every \$1 invested
- the savings to a homeowner who takes advantage of the program would be far greater than the meager rebate, and would continue indefinitely
- efficiency/conservation/weatherization programs in the state are so popular they are oversubscribed
- these programs have run out of money, and now have waiting lists
- it is estimated the rebate would reduce the average ratepayer's monthly bill of \$120 by only 70 cents.
- the efficiency programs create jobs for the workers who perform the work. Companies who contract for these services will work out of state if funding disappears